



Republic of the Philippines  
Supreme Court  
Manila

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE

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**JULIEWHYN R. QUINDOZA,**  
Complainant,

**A.C. No. 13615**  
[Formerly CBD Case No. 11-3166]

**Present:**

GESMUNDO, *C.J.*,  
LEONEN,  
CAGUIOA,  
HERNANDO,  
LAZARO-JAVIER,  
INTING,  
ZALAMEDA,  
LOPEZ, M.,  
GAERLAN,  
ROSARIO,  
LOPEZ, J.,  
DIMAAMPAO,  
MARQUEZ,  
KHO, JR., and  
SINGH, *JJ.*

- versus -

**ATTY. ERNESTO DAVID  
DELOS SANTOS\*** and **ATTY.  
MARUJITA S. PALABRICA,**  
Respondents.

**Promulgated:**

January 31, 2023

[Signature]

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**DECISION**

**LOPEZ, J., J.**

For this Court's resolution is the Complaint<sup>1</sup> filed by Juliewhyn R. Quindoza (*Quindoza*) against Atty. Ernesto David Delos Santos (*Atty. Delos Santos*) and Atty. Marujita S. Palabrica (*Atty. Palabrica*) for violation of the Canons of Professional Ethics. With respect to Atty. Delos Santos, Quindoza averred that Atty. Delos Santos had an illicit relationship with her while he

\* Sometimes referred to as "Atty. Ernesto David De los Santos."

<sup>1</sup> *Rollo*, Vol. I, pp. 1-3.

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was legally married to Edita Baltasar (*Baltasar*). Further, Quindoza alleged that Atty. Delos Santos committed acts of lasciviousness against their daughter, Mergarett Veronica Delos Santos (Veronica).<sup>2</sup> Meanwhile, Atty. Palabrica was administratively charged for violation of the Canons of Professional Ethics because (1) she stood as godmother to Veronica during her baptism, despite knowing that Veronica is the nonmarital child of Quindoza and Atty. Delos Santos; (2) she knew of Quindoza and Atty. Delos Santos's relationship, the latter being legally married to another; and (3) her passivity and silent toleration on the alleged abuse committed by Atty. Delos Santos to Veronica.<sup>3</sup>

The facts are as follows.

Quindoza filed an administrative complaint for disbarment against Atty. Delos Santos and Atty. Palabrica, before the Integrated Bar of the Philippines (*IBP*) Commission on Bar Discipline<sup>4</sup> alleging that she is the common-law wife of Atty. Delos Santos, and that they have a nonmarital child named Veronica. When Atty. Delos Santos started cohabiting with Quindoza, he was legally married to Baltasar. At the same time, Atty. Delos Santos also had another mistress, Fe Delilah (*Delilah*), with whom he had three nonmarital children. According to Quindoza, Atty. Delos Santos also had a sexual relationship with a woman named Marissa Beroy.<sup>5</sup>

Quindoza argued that Atty. Palabrica was a classmate of Atty. Delos Santos at the San Beda College of Law and that Atty. Palabrica had knowledge of their illicit affair. During Veronica's baptism, Atty. Palabrica stood as one of the sponsors. Quindoza also alleged that Atty. Palabrica consented to the immoral acts of Atty. Delos Santos.<sup>6</sup>

Quindoza further averred that Atty. Palabrica knew that Atty. Delos Santos committed acts of lasciviousness against Veronica. Despite Atty. Palabrica's knowledge, she remained passive on the abuse. According to Quindoza, Atty. Palabrica's passiveness on the abuse is a silent toleration on the abusive act of a fellow lawyer, which is a violation of the Canons of Professional Ethics.<sup>7</sup>

In her Verified Answer,<sup>8</sup> Atty. Palabrica stated that Atty. Delos Santos, who was her classmate, invited her to be one of the sponsors in Veronica's baptism. During Veronica's baptism, it was her first time to meet Quindoza

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<sup>2</sup> Id. at 1.

<sup>3</sup> Id.

<sup>4</sup> *Rollo*, Vol. III, p. 816.

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> *Rollo*, Vol. I, pp. 15-22.

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and Veronica. Atty. Palabrica was neither properly introduced nor she had an opportunity to talk to Quindoza. The next time Atty. Palabrica saw Quindoza was during the hearings in the probate of the will of Atty. Delos Santos's deceased father at Branch 49, Regional Trial Court of Manila wherein Atty. Palabrica was Atty. Delos Santos's counsel, being the oppositor in the allowance of the will.<sup>9</sup>

According to Atty. Palabrica, she only knew about Quindoza and Veronica only during Veronica's baptism and that she had no contact with them afterwards. Atty. Palabrica denied that she had knowledge that Atty. Delos Santos committed acts of lasciviousness against Veronica, it being a private matter. Further, she averred that Quindoza should not have waited for two years to tell that the alleged acts of lasciviousness happened in view of the urgency of the matter.<sup>10</sup>

Atty. Palabrica argued that being a sponsor in Veronica's baptism should not be construed as upholding the immoral acts of a fellow lawyer because when she acted as a baptismal sponsor, she was neither acting as a lawyer nor taking advantage of her being a lawyer.<sup>11</sup>

Atty. Palabrica also averred that the complaint against her is founded on malice and bad faith, since it was a consequence of the opposition filed by Atty. Delos Santos in the probate of the will of his father Dr. Virgilio Delos Santos (formerly the chairperson and majority owner of the University of Manila). In the said probate of the will, Emily De Leon (*De Leon*), President of the University of Manila, and Dr. Ramona Delos Santos (*Dr. Ramona*), Atty. Delos Santos's sister and Vice-President of the University of Manila, will be benefited by the allowance of the will. Atty. Palabrica was Atty. Delos Santos's counsel in their opposition against the probate of the will, and in the criminal cases filed by De Leon against Atty. Delos Santos.<sup>12</sup>

On the other hand, Atty. Delos Santos denied that Quindoza was his common-law wife. He, however, admitted that he had a daughter, Veronica, with her. He expressed his remorse and had already ended his brief relationship with Quindoza. To make up for his mistakes, Atty. Delos Santos provided love, affection and financial support to Veronica.<sup>13</sup>

Atty. Delos Santos also admitted that a complaint for acts of lasciviousness allegedly committed against Veronica was filed against him in Baguio City. However, this case was dismissed by the Prosecutor's Office for lack of probable cause. According to Atty. Delos Santos, the said criminal

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<sup>9</sup> Id. at 16.

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> *Rollo*, Vol. III, p. 187.

<sup>13</sup> Id.

case was filed for the purpose of harassing and tarnishing his good name. He further alleged that the motive for filing the disbarment case was to harass him and Atty. Palabrica because of the opposition they filed in the probate of the will of Dr. Virgilio. The beneficiaries, namely, Dr. Ramona and her lover De Leon, filed the petition for probate of the will. Atty. Delos Santos alleged that Quindoza was under De Leon's power because of the monetary allowance she receives from the University of Manila.<sup>14</sup>

On March 20, 2014, Commissioner Eldrid C. Antiquiera issued his Report and Recommendation,<sup>15</sup> which provides:

WHEREFORE PREMISES CONSIDERED, it is respectfully recommended that respondent Atty. Ernesto de los Santos be SUSPENDED from the practice of law for a period of TWO (2) YEARS while DISMISSING the complaint as regards Atty. Palabrica for lack of merit.<sup>16</sup>

On December 13, 2014, the IBP Board of Governors passed Resolution No. XXI-2014-890,<sup>17</sup> the dispositive portion of which provides:

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, with modification, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A", and finding Respondent's act of cohabiting with Fe Delilah while his marriage with Editha is still subsisting, which relationship is adulterous and grossly immoral, in violation of Canon 1, Rule 1.01 of the Code of Professional Responsibility, Atty. Ernesto David Delos Santos is hereby DISBARRED from the practice of law and his name Ordered stricken off from the Roll of Attorneys. However, the case against Atty. Marujita S. Palabrica is DISMISSED for lack of merit.<sup>18</sup> (Emphasis omitted)

Upon Atty. Delos Santos's motion for reconsideration, the IBP Board of Governors issued a Resolution<sup>19</sup> dated November 28, 2017, which states:

RESOLVED to PARTIALLY GRANT the Respondent's Motion for Reconsideration by reducing the recommendation of Disbarment to SUSPENSION from the practice of law for five (5) years considering that: (1) the timeline of twenty three (23) years before this administrative complaint was filed (2) first marriage may had been legal but it was a non-existent marriage (3) complainant and respondent's child was fully taken care of by Respondent (4) for humanitarian consideration considering the age of respondent, and; (5) respondent was remorseful for his actions.

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<sup>14</sup> Id. at 817-818.

<sup>15</sup> Id. at 816-819.

<sup>16</sup> Id. at 819.

<sup>17</sup> Id. at 815, issued by National Secretary Nasser A. Marohomsalic.

<sup>18</sup> Id.

<sup>19</sup> Id. at 961-962, issued by National Secretary Patricia-Ann T. Prodigalidad.

RESOLVED FURTHER to direct the Commission to prepare an extended resolution explaining the Board of Governors' action.<sup>20</sup> (Emphasis omitted)

Subsequently, the IBP Board of Governor's Resolution and case records were forwarded to this Court.

The Code of Professional Responsibility requires all lawyers to possess good moral character from the time of their application for admission to the Bar, during and until their retirement from the practice of law.<sup>21</sup> In this regard, Canon 1, Rule 1.01, and Canon 7 and Rule 7.03 of the Code of Professional Responsibility state:

CANON 1 — A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.

Rule 1.01 — A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

x x x x

CANON 7 — A lawyer shall at all times uphold the integrity and dignity of the legal profession and support the activities of the Integrated Bar.

x x x x

Rule 7.03 — A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor should he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

As an officer of this Court, every lawyer must be of good moral character and “must also be seen to be of good moral character and leading lives in accordance with the highest moral standards of the community.”<sup>22</sup> In particular, members of the Bar and officers of the Court are required not only to refrain from adulterous relationships or keeping mistresses or paramours but also to conduct themselves as to avoid scandalizing the public by creating the belief that they are violating those moral standards.<sup>23</sup> To be the basis of disciplinary action, immoral conduct must be grossly immoral and “it must be so corrupt as to virtually constitute a criminal act or so unprincipled as to be reprehensible to a high degree or committed under such scandalous or revolting circumstances as to shock the common sense of decency.”<sup>24</sup>

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<sup>20</sup> Id.

<sup>21</sup> *Ignacio v. Ignacio*, A.C. No. 9426 and A.C. No. 11988, August 25, 2020.

<sup>22</sup> *Advincula v. Atty. Advincula*, 787 Phil. 101, 112 (2016).

<sup>23</sup> Id.

<sup>24</sup> Id. at 113.

The power to disbar must be exercised with great caution and only in clear cases of misconduct that seriously affect the standing and character of the lawyer as a legal professional and as an officer of the Court.<sup>25</sup> Depending on the circumstances of the case, this Court has imposed the penalty of disbarment or suspension from the practice of law, against lawyers who had extra-marital affairs.

In *Ceniza v. Ceniza*,<sup>26</sup> Atty. Ceniza, Jr. was meted the penalty of disbarment for leaving his wife and family to cohabit with his married mistress. This Court found that such transgression inflicted on his wife and children caused them suffering, and depression, as borne out by one child's attempt to commit suicide because of the despair, which Atty. Ceniza had caused to their family. These circumstances were more than sufficient to establish the charge of gross immorality.

In *Samaniego v. Ferrer*,<sup>27</sup> Atty. Ferrer was suspended from the practice of law for six months. This Court found Atty. Ferrer guilty of gross immorality for his extramarital affair and his failure to give support to his daughter with his mistress. It, however, dismissed the charge of abandonment filed by his mistress. Atty. Ferrer did not abandon his mistress and their daughter, but returned to his family. He admitted that his extramarital affair started in 1996 and ended in 2000.

In *Samala v. Valencia*,<sup>28</sup> this Court suspended Atty. Valencia from the practice of law for three years for violation of Canons 1,<sup>29</sup> 10,<sup>30</sup> 21<sup>31</sup> of the Code of Professional Responsibility. For violations of Canons 10 and 21, Atty. Valencia was found to have knowingly misled the court by submitting false documentary evidence, and to have failed to preserve the confidence and secrets of his client even after the termination of the attorney-client relationship, respectively.

As regards the violation of Canon 1, Atty. Valencia admitted that he sired three children with another woman while his first wife was still alive. He also admitted that he has eight children by his first wife, and a year after his wife died, he married the mistress with whom he had three children. Atty.

<sup>25</sup> *Garrido v. Garrido*, 625 Phil. 347, 366 (2010).

<sup>26</sup> A.C. No. 8335, April 10, 2019.

<sup>27</sup> 578 Phil. 1 (2008).

<sup>28</sup> 541 Phil. 1 (2007).

<sup>29</sup> Code of Professional Responsibility, June 21, 1988.

CANON 1 — A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.

<sup>30</sup> Id.

CANON 10 — A lawyer owes candor, fairness and good faith to the court.

<sup>31</sup> Id.

CANON 21 — A lawyer shall preserve the confidences or secrets of his client even after the attorney-client relation is terminated.

Valencia also admitted that his mistress stayed in one of the apartments being claimed by Quindoza. However, Atty. Valencia did not consider his extramarital affair with his mistress as a relationship. According to him, he did not cohabit with his mistress because he had two houses. This Court found Atty. Valencia's admissions more than sufficient to hold the latter liable on the charge of gross immorality. During the hearing, he did not show remorse and justified his acts by saying that he does not have a relationship with his mistress, and that he does not consider his mistress and their three children as his second family. This Court also found that it is of no moment that Atty. Valencia married his mistress after his first wife died. However, in mitigating his liability, this Court considered the following circumstances: (1) it was his first infraction as regards immorality, and (2) Atty. Valencia subsequently married his mistress a year after his wife died.

Here, We cannot sanction Atty. Delos Santos with the same gravity of the penalty of disbarment, as Atty. Delos Santos admitted that he has a nonmarital child with Quindoza. Despite the illicit relations with Quindoza and Delilah while he was still married to Baltasar, Atty. Delos Santos expressed his remorse over his indiscretion and has ended his brief relationship with Quindoza several years ago.<sup>32</sup> We also point out that while Atty. Delos Santos's marriage with Baltasar was legal and subsisting, they were no longer living together as husband and wife. While Atty. Delos Santos and Baltasar married in 1978, his wife went to the United States of America. In 1985, Atty. Delos Santos's estranged wife contracted a subsequent marriage in Oklahoma, based on her certificate of marriage.<sup>33</sup> Ties between her and Atty. Delos Santos were eventually severed.

As regards his daughter Veronica, records<sup>34</sup> show that Atty. Delos Santos has been taking full responsibility as Veronica's father, by being present in her life and giving her moral, emotional, psychological and financial support. As evidenced by photographs, Atty. Delos Santos has been present and has been involved in Veronica's life—from spending time with her during childhood until she was grown up, and to attending and being present during important events in Veronica's life such as in her holy communion and graduation.<sup>35</sup> Several screenshots<sup>36</sup> of exchange of text messages between Atty. Delos Santos and Veronica also reveal that the former kept in touch with the latter. Atty. Delos Santos also provided Veronica with financial support, as can be seen through: (1) the several checks he issued to Quindoza;<sup>37</sup> (2) the official receipts evidencing his payment of Quindoza's cable television subscriptions;<sup>38</sup> (3) the certificate of full payment<sup>39</sup> of

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<sup>32</sup> *Rollo*, Vol. I, p. 70.

<sup>33</sup> *Id.* at 158.

<sup>34</sup> *Id.* at 194–334. *See* Annexes “11” to “27.”

<sup>35</sup> *Id.* at 194–218. *See* Annexes “20” to “28”, pp. 305–306, 333–335.

<sup>36</sup> *Id.* at 311–332. *See* Annex “11”.

<sup>37</sup> *Id.* at 224–238. *See* Annex “B”, pp. 256–303, *See* Annexes “17” and “18”.

<sup>38</sup> *Id.* at 304. *See* Annex “19”.

<sup>39</sup> *Id.* at 241, 239–245. *See* Annex “14”.

Veronica's educational plan worth PHP 200,000.00; (4) the checks<sup>40</sup> he issued to St. Louis University, with the official receipts<sup>41</sup> issued by the said University as proof of payment of Veronica's tuition fees, and (5) the official receipts<sup>42</sup> for Veronica's other school expenses such as for her uniform and food.

For the charge of acts of lasciviousness allegedly committed by Atty. Delos Santos against Veronica, this Court does not give weight to the said charge as the prosecution's office dismissed<sup>43</sup> the complaint thereof for lack of probable cause.

Aside from the said circumstances, We take into consideration other factors such as Atty. Delos Santos's advanced age,<sup>44</sup> and the 11 years<sup>45</sup> that have passed when the administrative complaint was filed against him.

This Court also takes into consideration A.M. No. 21-08-09-SC, or Further Amendments to Rule 140 of the Rules of Court, in determining Atty. Delos Santos's administrative liability. Section 19 of A.M. No. 21-08-09-SC provides for the following mitigating circumstances:

SECTION 19. Modifying Circumstances. — In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

(1) Mitigating circumstances:

x x x x

(d) Humanitarian considerations; and  
(e) Other analogous circumstances.<sup>46</sup>

In sum, We take into account the following mitigating circumstances of the case: (1) Atty. Delos Santos provided support for her daughter Veronica; (2) he ended his relationship with Quindoza; (3) he was no longer living together with his wife who went to the United States and had contracted another marriage, when Atty. Delos Santos had his extramarital affairs; (4) Atty. Delos Santos's advanced age; and (5) 11 years have passed since the administrative case was filed against him.

<sup>40</sup> Id. at 246–253. See Annex “15”.

<sup>41</sup> Id. at 277–284. See Annex “16”.

<sup>42</sup> Id.

<sup>43</sup> Id. at 391–395.

<sup>44</sup> Id. at 104. See Annex “B”.

<sup>45</sup> Id. at 1–3.

<sup>46</sup> Further Amendments to Rule 140 of the Rules of Court, A.M. No. 21-08-09-SC, February 22, 2022.



Thus, this Court finds it proper to impose a three-year suspension from the practice of law on Atty. Delos Santos.

As regards Atty. Palabrica, We dismiss the disbarment case filed against her for lack of merit. We find that Atty. Palabrica's involvement as godmother of Atty. Delos Santos and Quindoza's daughter is not equivalent to consenting or upholding the gross immorality of a fellow lawyer. Agreeing to be a godmother of a child born out of an illicit relation is not within the definition of gross immoral conduct which is "one that is so corrupt as to constitute a criminal act, or so unprincipled as to be reprehensible to a high degree or committed under such scandalous or revolting circumstances as to shock the common sense of decency."<sup>47</sup>

On the allegation that Atty. Palabrica remained passive and silently tolerated the alleged abuse committed by Atty. Delos Santos to Veronica, the said allegation is unsupported by any piece of evidence. Quindoza did not establish any proof to establish that Atty. Palabrica indeed had knowledge of the alleged abuse. In view of the rule that a bare allegation is not evidence and is not equivalent to proof, the allegation is therefore self-serving and devoid of any evidentiary weight.<sup>48</sup>

This Court also finds that the administrative complaint filed against Atty. Palabrica was baseless. We point out that Atty. Palabrica was Atty. Delos Santos's counsel in the probate of Dr. Virgilio's will. She was also the counsel in the criminal cases<sup>49</sup> filed by De Leon and Dr. Ramona, who stand to benefit in the alleged will of Dr. Virgilio. In addition, Quindoza receives a monthly allowance from the University of Manila President and is beholden to De Leon. By reason of being Atty. Delos Santos's counsel, Atty. Palabrica's name was dragged into this administrative case. Atty. Palabrica, being Atty. Delos Santos's counsel, is only fulfilling her duty as a lawyer who defends Atty. Delos Santos in his cases. This is pursuant to Canon 17 of the Code of Professional Responsibility which states, "a lawyer owes fidelity to the cause of [her] client and [she] shall be mindful of the trust and confidence reposed upon [her]."

**ACCORDINGLY**, this Court finds Atty. Ernesto David Delos Santos **GUILTY** of gross immorality, in violation of Canon 1, Rule 1.01, and Canon 7, Rule 7.03 of the Code of Professional Responsibility. He is **SUSPENDED** from the practice of law for a period of **THREE (3) YEARS** with a **STERN WARNING** that a repetition of the same or similar offense shall be dealt with more severely.

<sup>47</sup> *Guevarra-Castil v. Atty. Trinidad*, A.C. No. 10294, July 12, 2022.

<sup>48</sup> *Menez v. Status Maritime Corporation*, 839 Phil. 360, 369 (2018).

<sup>49</sup> *Rollo*, Vol. III, pp. 865-870, 871-884.

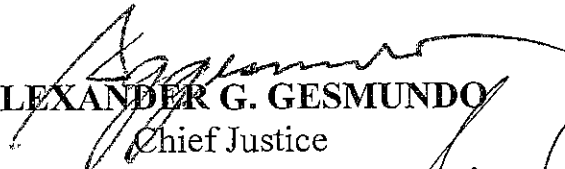
We **DISMISS** the administrative case filed against Atty. Marujita S. Palabrica for lack of merit.

Let copies of this Decision be furnished to the Office of the Bar Confidant to be appended to Atty. Ernesto David Delos Santos's personal record as an attorney; the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for circulation to all courts in the country.

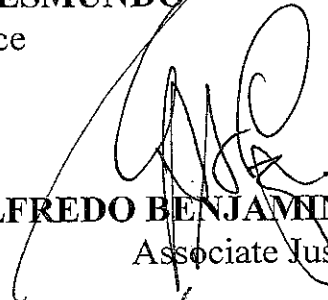
**SO ORDERED."**


  
**JHOSEP V. LOPEZ**  
Associate Justice

**WE CONCUR:**

  
**ALEXANDER G. GESMUNDO**  
Chief Justice


  
**MARVIC M.V.F. LEONEN**  
Senior Associate Justice

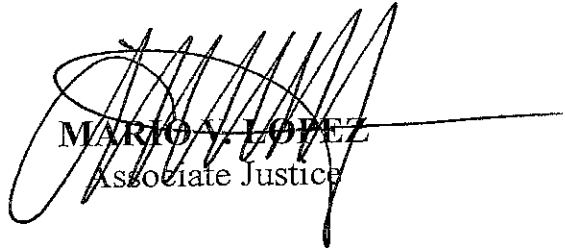
  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

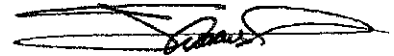
  
**RAMON PAUL L. HERNANDO**  
Associate Justice

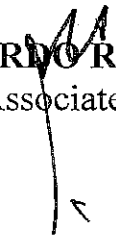
  
**AMY C. LAZARO-JAVIER**  
Associate Justice


  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

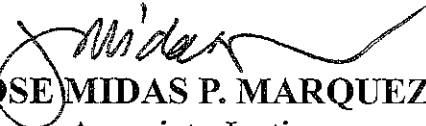
  
**RODIL N. ZALAMEDA**  
Associate Justice


  
**MARIYA V. LOPEZ**  
Associate Justice

  
**SAMUEL H. GAERLAN**  
Associate Justice

  
**RICARDO R. ROSARIO**  
Associate Justice

  
**JAPAR B. DIMAAMPAO**  
Associate Justice

  
**JOSE MIDAS P. MARQUEZ**  
Associate Justice

  
**ANTONIO T. KHO, JR.**  
Associate Justice

  
**MARIA FILOMENA D. SINGH**  
Associate Justice